

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NEFTALI TORRES LOPEZ, *et al.*,

Plaintiffs,

Case No. 10-12010

Honorable Lawrence P. Zatkoff

v.

GREAT CHINA RESTAURANT, *et al.*,

Defendants.

ORDER

This matter is before the Court on Defendants' Motion to Dismiss [dkt 17]. On July 6, 2010, Defendants noticed the oral depositions of both Plaintiffs for Monday July 26, 2010, at 11:30 a.m. at Defendant's Counsel's law office. Neither Plaintiff appeared for the noticed deposition. As a result of Plaintiffs failing to appear for deposition, Defendants filed a motion for sanctions or, in the alternative, to dismiss [dkt 14] on September 22, 2011. Plaintiffs' Counsel filed a response to this motion on October 13, 2011, noting that Plaintiff's Counsel had been unable to reach either Plaintiff despite attempts to do so via telephone and first-class mail. On October 26, 2011, the Court entered an Order ordering Plaintiffs to appear for depositions no later than November 28, 2011 [dkt 16]. This Order further stated that "Failure of Plaintiffs to appear [for depositions] will result in dismissal of this case." Plaintiffs did not appear as ordered.

Accordingly, **IT IS HEREBY ORDERED** that the above captioned matter be dismissed in its entirety, with prejudice.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: December 12, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 12, 2011.

s/Marie E. Verlinde

Case Manager
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